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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,917	03/21/2000	Andrew Sharp	34648/00440USPX	7310

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ERICSSON INC.  
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EXAMINER

TRAN, PABLO N

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/531,917

Applicant(s)

SHARP ET AL.

Examiner

Pablo N Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by *Tornqvist et al.* (6,055,424).

As per claims 1, *Tornqvist et al.* disclosed a method of providing services in a mobile communication system wherein requesting a set-up of an additional call while the number of n active calls with m different bearer capabilities associated thereto is already set up; and deciding whether to set up the additional call in parallel, to set up the additional call by choosing one call to put on hold, or to reject a set up of the additional call (col. 18/ln. 18-21, col. 111/ln. 14-18, col. 113/ln. 11-14, col. 113/ln. 54-57, col. 114/ln. 12-13, col. 28/ln. 35-col. 29/ln. 58).

As per claim 2, *Tornqvist et al.* disclosed the limitation of claim 2 (col. 28/ln. 35-col. 29/ln. 58).

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As per claim 3, *Tornqvist et al.* disclosed the limitation of claim 3 (col. 28/ln. 35-col. 29/ln. 58).

As per claim 4, *Tornqvist et al.* disclosed the limitation of claim 4 (col. 28/ln. 35-col. 29/ln. 58).

As per claims 5 and 18, *Tornqvist et al.* disclosed the limitation of claim 5 (col. 28/ln. 35-col. 29/ln. 58).

As per claim 6, *Tornqvist et al.* disclosed the limitation of claim 6 (col. 28/ln. 35-col. 29/ln. 58).

As per claim 7, *Tornqvist et al.* disclosed the limitation of claim 7 (col. 28/ln. 35-col. 29/ln. 58).

As per claim 8, *Tornqvist et al.* disclosed the limitation of claim 8 (col. 28/ln. 35-col. 29/ln. 58).

As per claims 9 and 20, *Tornqvist et al.* disclosed the limitation of claim 9 (col. 28/ln. 35-col. 29/ln. 58).

As per claims 10 and 21, *Tornqvist et al.* disclosed the limitation of claim 10 (col. 28/ln. 35-col. 29/ln. 58).

As per claims 11 and 22, *Tornqvist et al.* disclosed the limitation of claim 11 (col. 28/ln. 35-col. 29/ln. 58).

As per claim 12, *Tornqvist et al.* disclosed the limitation of claim 12 (col. 28/ln. 35-col. 29/ln. 58).

As per claim 13, *Tornqvist et al.* disclosed the limitation of claim 13 (col. 28/ln. 35-col. 29/ln. 58).

As per claim 14, *Tornqvist et al.* disclosed the limitation of claim 14 (col. 28/ln. 35-col. 29/ln. 58).

As per claims 15-16 and 24-25, *Tornqvist et al.* disclosed a mobile communication system comprises a comparator for comparing a bearer capability associated with a requested call set up with m bearer capabilities of the n active calls; a first unit to decide whether the request call set up should be offered as a new parallel call, as a waiting call, or a rejected call; and a storage to store information about the active calls (col. 18/ln. 18-21, col. 111/ln. 14-18, col. 113/ln. 11-14, col. 113/ln. 54-57, col. 114/ln. 12-13, col. 28/ln. 35-col. 29/ln. 58).

As per claim 17, *Tornqvist et al.* disclosed the limitation of claim 17 (col. 28/ln. 35-col. 29/ln. 58).

As per claim 19, *Tornqvist et al.* disclosed the limitation of claim 19 (col. 28/ln. 35-col. 29/ln. 58).

As per claim 23, *Tornqvist et al.* disclosed the limitation of claim 23 (col. 28/ln. 35-col. 29/ln. 58).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by *Hietalahti* (WO9608937).

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As per claim 1, *Hietalahti* disclosed a method of providing services in a mobile communication system wherein requesting a set-up of an additional call while the number of  $n$  active calls with  $m$  different bearer capabilities associated thereto is already set up; and deciding whether to set up the additional call in parallel, to set up the additional call by choosing one call to put on hold, or to reject a set up of the additional call (fig. 1-2, pg. 4/ln. 15-pg. 5/ln. 5).

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cooper et al. (6,055,430), Smith et al. (5,995,822), and Kung et al. (6,633,635) disclose implementation of multi-calls in a radiotelephone communication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**PABLO N. TRAN**  
**PRIMARY EXAMINER**

October 17, 2003

Handwritten signature of Pablo N. Tran, consisting of a stylized 'P' followed by 'N. TRAN' in cursive.